

PATENT
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Certificate of Mailing Date of Deposit: September 8, 2003

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Susan M. Cannon
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Susan M. Cannon
Signature of person mailing correspondence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thatcher et al.

Art Unit: 1614

Serial No.: 09/473,713

Examiner: DeLacroix-Muirheid, C.

Filed: December 29, 1999

Customer No.: 21559

Title: METHODS AND COMPOSITIONS FOR MITIGATING PAIN

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.132 OF GREGORY R. J. THATCHER, Ph.D.

1. I, Gregory R. J. Thatcher, am an inventor on the above-captioned patent application. My qualifications include more than 15 years as a research scientist in the field of organic chemistry, and in particular in the field of medicinal chemistry. I am currently a Professor of Medicinal Chemistry at the University of Illinois at Chicago.

2. I have read the Office Action mailed June 5, 2003, and submit the following declaration in support of the instant application.

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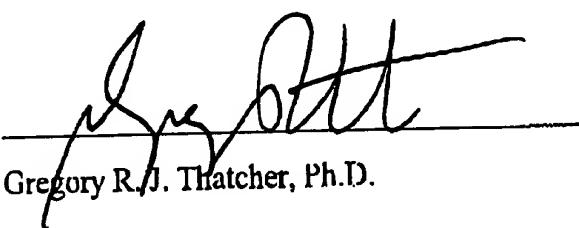
3. The following text appears in the instant application in claim 20: "R⁵, R⁶, R⁸, R⁹, R¹², R¹³, R¹⁴, R¹⁵, R¹⁶ are the same or different and are alkyls containing 1-12 carbon atoms; or C₁ or C₂ connections to R¹ or R³ in cyclic derivatives."

4. One skilled in the art regarding the aforementioned claim text would recognize that a C₁ or C₂ connection from any of the cited radicals (R⁵, R⁶, R⁸, R⁹, R¹², R¹³, R¹⁴, R¹⁵, R¹⁶) to R¹ or R³ in cyclic derivatives means that a ring is formed which includes one of the cited radicals, R¹ or R³, and one or two carbons linking the radical to R¹ or R³, the size of the ring formed being determined by the radical and the moiety that contains it, R¹ or R³ and the moiety that contains it, and the linking carbons.

5. All statements made herein of my own knowledge are true and all statements made on information and belief are believed to be true; and further these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

26/8/3

Date



Gregory R.J. Thatcher, Ph.D.

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